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Sent: Tue 6/1/2010 5:25:42 PM
Subject: 404 Guru

I am multitasking during this interminable BDCP call.

Here's a question: What is the citation, to what (regs?b1 guidelines?) that says the project purpose ultimately defines the scope of alternatives.

Here's what I have for NEPA and 404, but I need a better "straight line" from project purpose to alternatives for 404.

Any thoughts?

"Under NEPA, the action agency must include a "purpose and need" statement that must "specify the underlying purpose and need to which the agency is responding...." 40 CFR Section 1502.13. The purpose and need statement drives the alternatives that must be analyzed in the Environmental Impact Statement, and the alternatives are "the heart of the environmental impact statements." 40 CFR Section 1502.14.

"Under CWA Section 404, the permit applicant must demonstrate that the chosen alternative is the "least environmentally damaging practicable alternative" (LEDPA) for meeting the project purpose pursuant to the CWA Section 404(b)(1) Guidelines. [TMH Tie to the words "purpose." Is that in the Guidelines?]